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Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 JUSE-00 CA-01 PPTE-00 /017 W
----------069174 101353Z /72
P 101201Z APR 78
FM AMEMBASSY LONDON
TO SECSTATE WASHDC PRIORITY 4933

UNCLAS SECTION 01 OF 02 LONDON 05501

E.O. 11652: N/A
TAGS: PDIP (ROCOS, SPYRIDON)
SUBJ: EXTRADITION - SPYRIDON ROCOS

REF: LONDON 5468

FOLLOWING IS THE ELABORATION ON THE INFORMATION REQUIRED BY THE DPP TO GRANT EXTRADITION ON THE NEW YORK COUNT. IT WAS CONTAINED IN A LETTER FROM DPP TO CONSUL HANCOCK. QUOTE: I AM WRITING TO CONFIRM THE TELEPHONE CONVERSATION THIS MORNING BETWEEN YOU AND MY REPRESENTATIVE, MR. GLENISTER. THE CONTENTS OF JEFFREY KAY'S AFFIDAVIT, SWORN ON THE 15TH MARCH, WOULD NOT BE ADMISSIBLE IN AN ENGLISH COURT. THE EVIDENCE CONCERNING THE ACTUAL OBTAINING OF $16,500 BY ROCOS FROM THE CONTINENTAL BANK DOES NOT THEREFORE DISCLOSE A PRIMA FACIE CASE AGAINST ROCOS, AND I WOULD HAVE TO ADVISE THE SECRETARY OF STATE ACCORDINGLY IF A REQUEST FOR EXTRADITION IS MADE ON THIS PRESENT EVIDENCE. AS YOU KNOW, IT IS ONLY THE OFFENCE OF OBTAINING THE MONEY WHICH IS EXTRADITABLE UNDER THE EXTRADITION ACTS, RATHER THAN THE ATTEMPT TO OBTAIN THE MONEY WHICH IS CONSTITUTED BY THE FALSE APPLICATION TO OBTAIN A LOAN.

IF A SUCCESSFUL REQUEST IS TO BE MADE, THE FOLLOWING EVIDENCE WILL BE REQUIRED:-

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1. AFFIDAVITS FROM THE RELEVANT OFFICIALS AT THE CONTINENTAL BANK, 108, 7TH AVENUE, GARDEN CITY, LONG ISLAND, NEW YORK, SHOWING THAT ON OR ABOUT THE 15TH SEPTEMBER, 1977 ROCOS MADE AN APPLICATION FOR A LOAN OF $45,000. THE OFFICIAL WHO RECEIVED THE APPLICATION FORM SHOULD EXHIBIT THE ACTUAL APPLICATION FORM IN HIS AFFIDAVIT. THOSE OFFICIALS WHO WERE TOLD BY ROCOS THAT

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HE WAS PUTTING UP AS COLLATERAL A $100,000 STOVER BROADCASTING COMPANY DEBENTURE BOND SHOULD GIVE EVIDENCE OF THEIR CONVERSATION WITH ROCOS.

2. AN AFFIDAVIT THAT THE ABOVE BOND WAS WORTHLESS AS IT HAD BEEN STOLEN IN BLANK AND HAD NOT BEEN ISSUED TO ROCOS BY THE STOVER BROADCASTING COMPANY FOR VALUE OR BY ITS AUTHORIZED TRANSFER AGENT.

3. AFFIDAVITS FROM THE RELEVANT OFFICIALS AT THE CONTINENTAL BANK SHOWING (I) THAT $45,000 WAS ADVANCED TO THE ACCOUNT OF ROCOS AS A RESULT OF THE FALSE APPLICATION AND (II) THAT ROCOS HAD CASHED $16,500 UP TO THE TIME OF HIS ARREST. IT SHOULD BE MADE CLEAR THAT THE $16,500 HAS NOT BEEN REPAID. THE OFFICIALS SHOULD PRODUCE THE $45,000 CHECK TO ROCOS, THE $10,000 CHECK TO ROCOS, AND THE $6,500 CHECK TO ROCOS. (THESE CHECKS ARE REFERRED TO AS EXHIBITS A, B1 AND B2 RESPECTIVELY IN KAY'S AFFIDAVIT).

4. AN AFFIDAVIT, IF POSSIBLE, FROM THE OFFICIAL COURT REPORTER WHO MADE A TRANSCRIPT OF THE PROCEEDINGS WHEN ROCOS PLEADED GUILTY TO SECTION 1014 OF THE UNITED STATE CODE ON THE 7TH NOVEMBER, 1977. THE TRANSCRIPT SHOULD

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BE EXHIBITED IN THE AFFIDAVIT.

ORIGINAL AFFIDAVITS SHOULD BE TAKEN IN THE U.S.A. AND AUTHENTICATED BY A JUSTICE OR OTHER OFFICER OF STATE UNDER SECTION 15 OF THE EXTRADITION ACT 1870. COPIES OF THE AFFIDAVITS TOGETHER WITH COPY EXHIBITED DOCUMENTS, ALSO AUTHENTICATED, CAN BE SENT TO ENGLAND TO ACCOMPANY THE REQUEST PROVIDED THAT THEY, TOO, COMPLY WITH THE REQUIREMENTS OF SECTION 15.

THE ORDER FOR EXTRADITION FOR ROCOS ON THE TEXAS CHARGES WAS MADE ON THE 17TH MARCH. SECTION 12 OF THE EXTRADITION ACT 1870 STATES THAT A FUGITIVE CRIMINAL CAN APPLY TO BE DISCHARGED OUT OF CUSTODY, IF HE IS "NOT SURRENDERED AND CONVEYED OUT OF THE UNITED KINGDOM WITHIN TWO MONTHS" OF THE ORDER FOR EXTRADITION. IT IS THEREFORE MOST IMPORTANT THAT THE NECESSARY EVIDENCE IS RECEIVED BY, AT THE LATEST, THE END OF APRIL, SO THAT ROCOS CAN BE BROUGHT BEFORE THE COURT ON THE NEW YORK MATTER BEFORE THE 16TH MAY.

I THINK IT WOULD BE SENSIBLE, IF IT IS INTENDED TO PURSUE THE REQUEST, FOR YOU TO INFORM THE FOREIGN OFFIC AS SOON AS POSSIBLE THAT A FRESH APPLICATION IS TO BE MADE. IN ADDITION, THE HOME OFFICE SHOULD BE ASKED TO
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DELAY FOR THE TIME BEING PREPARATION FOR THE SURRENDER OF ROCOS ON THE TEXAS MATTERS.

MR GLENISTER WILL BE AWAY DURING THE PERIOD APRIL 10TH - 14TH WHEN MR. PEARSON (TEL: 213-4094) WILL BE DEALING WITH THE MATTER. UNQUOTE.

BREWSTER

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